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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

B&G FOODS NORTH AMERICA,
Plaintiff,

v.

KIM EMBRY AND ENVIRONMENTAL
HEALTH ADVOCATES, INC.,
Defendants.

NOAM GLICK,
Movant

No. 2:24-mc-0002 KJM DB

B&G FOODS NORTH AMERICA,
Plaintiff,

v.

KIM EMBRY AND ENVIRONMENTAL
HEALTH ADVOCATES, INC.,
Defendants.

JAKE SCHULTE,
Movant.

No. 2:24-mc-0003 KJM DB

1 B&G FOODS NORTH AMERICA,

2 Plaintiff,

3 v.

4 KIM EMBRY AND ENVIRONMENTAL
5 HEALTH ADVOCATES, INC.,

6 Defendants.

7 SHAUN MARKLEY,

8 Movant

No. 2:24-mc-0011 KJM DB

9 B&G FOODS NORTH AMERICA,

10 Plaintiff,

11 v.

12 KIM EMBRY AND ENVIRONMENTAL
13 HEALTH ADVOCATES, INC.,

14 Defendants.

15 CRAIG NICHOLAS,

16 Movant

No. 2:24-mc-0014 KJM DB

ORDER

17
18 These related cases are set for hearing before the undersigned on April 12, 2024, for
19 hearing of movants' motions to quash pursuant to Local Rule 302(c)(1). On March 29, 2024, the
20 parties filed an omnibus Joint Statement. (ECF No. 17¹.) On April 8, 2024, plaintiff filed a
21 motion for leave to file a supplemental statement. (ECF No. 19.)

22 Plaintiff's motion asserts that "[a]fter filing the Joint Statement, B&G learned of
23 additional evidence of spoliation[.]" (Id. at 2.) Specifically, plaintiff learned that defendant
24 Environmental Health Advocates "destroyed the email accounts of each of its employees who had
25 investigated the claims against B&G Foods." (Id.) Plaintiff asserts that "Defendants did not
26 provide the evidence . . . until after the parties' Joint Statement was filed." (Id.)

27
28 ¹ This order will cite to the docket from case No. 2:24-mc-0002 KJM DB.

On April 10, 2024, movants filed an opposition to plaintiff's motion. (ECF No. 20.) The undersigned finds movants' opposition well-taken. In this regard, although plaintiff alleges the information was not obtained until after the Joint Statement was filed on March 29, 2024, it appears from plaintiff's own evidence cited in support of the motion that the information was provided in defendants' discovery responses served on February 22, 2024. (ECF No. 19-1 at 2; ECF No. 19-2 at 22.) Moreover, information related to deactivated email accounts seems, at most, tangentially related to the pending motion to quash which concerns plaintiff's attempt to depose defense counsel.

Nonetheless, out of an abundance of caution, plaintiff's motion will be granted. The undersigned will consider plaintiff's supplemental filing, ECF No. 19-2 at 3-4, in evaluating the pending motions to quash.

Accordingly, IT IS HEREBY ORDERED that plaintiff's April 8, 2024 motion for leave to file a supplemental statement is granted.

Dated: April 11, 2024


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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